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**REMARKS**

This is a full and timely response to the outstanding Office action mailed December 1, 2005. Upon entry of the amendments in this response claims 1 and 4-38 are pending. More specifically, claims 1, 4, 5, 6, 10, 12-14, 17, 18, 21, 24-26, and 31-38 are amended and claims 2-3 are canceled. Claims 2-3 are canceled without prejudice or disclaimer. Applicant takes this action merely to reduce the number of issues and to facilitate early allowance and issuance of the present application. Applicant reserves the right to pursue the subject matter of these canceled claims in a continuing application, if applicant so chooses, and does not intend to dedicate any of the canceled subject matter to the public. These amendments are specifically described hereinafter.

**I. Present Status of Patent Application**

Claims 1-10 and 17-38 are rejected under 35 U.S.C.102(e) as allegedly being anticipated by *Wine, et al* (U.S. Publication No. 2002/0004839). Claims 11-16 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Wine, et al* (U.S. Publication No. 2002/0004839) in view of *Sahota* (U.S. Patent No. 2002/0010928). To the extent that these rejections have not been rendered moot by the cancellation of claims, they are respectfully traversed.

**II. Rejections Under 35 U.S.C. §102(e)****A. Claims 1-9**

The Office Action rejects claims 1-9 under 35 U.S.C. §102(e) as allegedly being anticipated by *Wine* (U.S. Publication No. 2002/004839). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

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**Independent claim 1** as amended recites:

1. A method in a subscriber television system (STS), the method comprising the steps of:
- providing a plurality of media content instances to be displayed to a subscriber;
- providing at least one trigger synchronized with a first media content instance of the plurality of media content instances; and
- enabling at least one particularly exclusive content restriction responsive to a reception of the at least one trigger.***

(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. *See, e.g., E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988).

Applicant respectfully submits that independent claim 1 as amended is allowable for at least the reason that *Wine* does not disclose, teach, or suggest at least **enabling at least one particularly exclusive content restriction responsive to a reception of the at least one trigger**. Support for at least one embodiment of a particularly exclusive content restriction can be found on page 21 of the specification as originally filed. Therefore, *Wine* does not anticipate independent claim 1, and the rejection should be withdrawn.

Because independent claim 1 as amended is allowable over the cited references of record, dependent claims 4-9 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 4-9 contain all the steps/features of independent claim 1. *See Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002); *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, since dependent claims 4-9 are patentable over *Wine*, the rejection to claims 4-9 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 1, dependent claims 4-9 recite further features and/or combinations of features, as are

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apparent by examination of the claims themselves, that are patently distinct from the cited references of record. Hence there are other reasons why dependent claims 4-9 are allowable.

B. Claim 10

The Office Action rejects claim 10 under 35 U.S.C. §102(e) as allegedly being anticipated by *Wine* (U.S. Publication No. 2002/004839). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

**Independent claim 10 as amended recites:**

10. A method in a subscriber television system (STS), the method comprising the steps of:

- providing a plurality of media content instances to be displayed to a subscriber by a client device;
- providing at least one trigger synchronized with a first media content instance of the plurality of media content instances, the at least one trigger comprising at least one unique identifier;
- enabling at least one content control module in the client device, the at least one content control module comprising a database of a plurality of values for a plurality of the at least one unique identifier, the plurality of values being individually matched with a corresponding content restriction;
- receiving the at least one trigger at the client device;
- interpreting a value of the at least one trigger by the content control module; and
- enabling the content control module to reference the database with the value and determine at least one enabled particularly exclusive content restriction.***

(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits

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that independent claim 10 as amended is allowable for at least the reason that *Wine* does not disclose, teach, or suggest at least **enabling the content control module to reference the database with the value and determine at least one enabled particularly exclusive content restriction**. Support for at least one embodiment of a particularly exclusive content restriction can be found on page 21 of the specification as originally filed. Therefore, *Wine* does not anticipate independent claim 10, and the rejection should be withdrawn.

C. Claims 17-20

The Office Action rejects claims 17-20 under 35 U.S.C. §102(e) as allegedly being anticipated by *Wine* (U.S. Publication No. 2002/004839). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

**Independent claim 17 as amended recites:**

17. A method in a subscriber television system (STS), the method comprising the steps of:

inserting, within an available insertion area in at least one transport stream, **at least one trigger having at least one particularly exclusive content restriction**; and

distributing the at least one transport stream with the at least one trigger to a plurality of client devices.

(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits that independent claim 17 as amended is allowable for at least the reason that *Wine* does not disclose, teach, or suggest at least **at least one trigger having at least one particularly exclusive content restriction**. Support for at least one embodiment of a particularly exclusive content restriction can be found on page 21 of the specification as originally filed. Therefore, *Wine* does not anticipate independent claim 17, and the rejection should be withdrawn.

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Because independent claim 17 as amended is allowable over the cited references of record, dependent claims 18-20 (which depend from independent claim 17) are allowable as a matter of law for at least the reason that dependent claims 18-20 contain all the steps/features of independent claim 17. Therefore, since dependent claims 18-20 are patentable over *Wine*, the rejection to claims 18-20 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 17, dependent claims 18-20 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited references of record. Hence there are other reasons why dependent claims 18-20 are allowable.

D Claims 21-23

The Office Action rejects claims 21-23 under 35 U.S.C. §102(e) as allegedly being anticipated by *Wine* (U.S. Publication No. 2002/004839). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

**Independent claim 21** as amended recites:

21. A method in a subscriber television system (STS), the method comprising the steps of:

- providing a plurality of media content instances to be displayed to a subscriber, a first media content instance of the plurality of media content instances being a video stream and a second media content instance of the plurality of media content instances being a particular advertisement;
- providing at least one trigger synchronized with a priority event in the video stream; and
- excluding the particular advertisement from being displayed simultaneously with the priority event in the video stream.*

(Emphasis added).

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For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits that independent claim 21 as amended is allowable for at least the reason that *Wine* does not disclose, teach, or suggest at least **excluding the particular advertisement from being displayed simultaneously with the priority event in the video stream**. Support for at least one embodiment of a particularly exclusive content restriction can be found on page 21 of the specification as originally filed. Therefore, *Wine* does not anticipate independent claim 21, and the rejection should be withdrawn.

Because independent claim 21 as amended is allowable over the cited references of record, dependent claims 22 and 23 (which depend from independent claim 21) are allowable as a matter of law for at least the reason that dependent claims 22 and 23 contain all the steps/features of independent claim 21. Therefore, since dependent claims 22 and 23 are patentable over *Wine*, the rejection to claims 22 and 23 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 21, dependent claims 22 and 23 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited references of record. Hence there are other reasons why dependent claims 22 and 23 are allowable.

**E. Claims 24-30**

The Office Action rejects claims 24-30 under 35 U.S.C. §102(e) as allegedly being anticipated by *Wine* (U.S. Publication No. 2002/004839). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

**Independent claim 24 as amended recites:**

24. A system in a subscriber television system (STS), the system comprising:  
a memory for storing logic;  
a processor for executing the logic stored in memory;

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logic configured to provide a plurality of media content instances to be displayed to a subscriber;

logic configured to provide at least one trigger synchronized with a first media content instance of the plurality of media content instances; and

***logic configured to enable at least one particularly exclusive content restriction responsive to a reception of the at least one trigger.***

(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits that independent claim 24 as amended is allowable for at least the reason that *Wine* does not disclose, teach, or suggest at least **logic configured to enable at least one particularly exclusive content restriction responsive to a reception of the at least one trigger**. Support for at least one embodiment of a particularly exclusive content restriction can be found on page 21 of the specification as originally filed. Therefore, *Wine* does not anticipate independent claim 24, and the rejection should be withdrawn.

Because independent claim 24 as amended is allowable over the cited references of record, dependent claims 25-30 (which depend from independent claim 24) are allowable as a matter of law for at least the reason that dependent claims 25-30 contain all the steps/features of independent claim 24. Therefore, since dependent claims 25-30 are patentable over *Wine*, the rejection to claims 25-30 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 24, dependent claims 25-30 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited references of record. Hence there are other reasons why dependent claims 25-30 are allowable.

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F. Claims 31-33

The Office Action rejects claims 31-33 under 35 U.S.C. §102(e) as allegedly being anticipated by *Wine* (U.S. Publication No. 2002/004839). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

**Independent claim 31 recites:**

31. A system in a subscriber television system (STS) client device, the system comprising:

- a memory for storing logic in the STS client device;
- a processor for executing the logic stored in memory in the STS client device;
- logic configured to provide a plurality of media content instances to be displayed to a subscriber;
- logic configured to provide at least one trigger synchronized with a first media content instance of the plurality of media content instances; and
- logic configured to enable at least one particularly exclusive content restriction responsive to a reception of the at least one trigger.***

(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits that independent claim 31 is allowable for at least the reason that *Wine* does not disclose, teach, or suggest at least **logic configured to enable at least one particularly exclusive content restriction responsive to a reception of the at least one trigger**. Support for at least one embodiment of a particularly exclusive content restriction can be found on page 21 of the specification as originally filed. Therefore, *Wine* does not anticipate independent claim 31, and the rejection should be withdrawn.

Because independent claim 31 is allowable over the cited references of record, dependent claims 32 and 33 (which depend from independent claim 31) are allowable as a matter of law for at least the reason that dependent claims 32 and 33 contain all the steps/features of independent



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claim 31. Therefore, since dependent claims 32 and 33 are patentable over *Wine*, the rejection to claims 32 and 33 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 31, dependent claims 32 and 33 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited references of record. Hence there are other reasons why dependent claims 32 and 33 are allowable.

G. Claims 34-36

The Office Action rejects claims 34-36 under 35 U.S.C. §102(e) as allegedly being anticipated by *Wine* (U.S. Publication No. 2002/004839). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

**Independent claim 34 recites:**

3934. A system in a subscriber television system (STS) headend device, the system comprising:

- a memory for storing logic in the STS headend device;
- a processor for executing the logic stored in memory in the STS headend device;
- logic configured to provide a plurality of media content instances to be displayed to a subscriber;
- logic configured to provide at least one trigger synchronized with a first media content instance of the plurality of media content instances; and
- logic configured to enable at least one particularly exclusive content restriction responsive to a reception of the at least one trigger.***

(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits that independent claim 34 is allowable for at least the reason that *Wine* does not disclose, teach,

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or suggest at least logic configured to enable at least one particularly exclusive content restriction responsive to a reception of the at least one trigger. Support for at least one embodiment of a particularly exclusive content restriction can be found on page 21 of the specification as originally filed. Therefore, *Wine* does not anticipate independent claim 34, and the rejection should be withdrawn.

Because independent claim 34 is allowable over the cited references of record, dependent claims 35 and 36 (which depend from independent claim 34) are allowable as a matter of law for at least the reason that dependent claims 35 and 36 contain all the steps/features of independent claim 34. Therefore, since dependent claims 35 and 36 are patentable over *Wine*, the rejection to claims 35 and 36 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 34, dependent claims 35 and 36 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patentably distinct from the cited references of record. Hence there are other reasons why dependent claims 35 and 36 are allowable.

#### H. Claims 37-38

The Office Action rejects claims 37-38 under 35 U.S.C. §102(e) as allegedly being anticipated by *Wine* (U.S. Publication No. 2002/004839). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

#### **Independent claim 37 recites:**

4037. A system in a subscriber television system (STS) headend, the system comprising:
- a memory for storing logic in the STS headend;
  - a processor for executing the logic stored in memory in the STS headend;
  - logic configured to allow the STS headend to receive and distribute at least one transport stream to a plurality of client devices, the STS headend comprising an administrative content control module; and

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logic configured to enable at least one trigger to be synchronized with an available insertion area in the transport stream, the *at least one trigger comprising at least one particularly exclusive content restriction*.

(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. Applicant respectfully submits that independent claim 37 is allowable for at least the reason that *Wine* does not disclose, teach, or suggest at least **at least one trigger comprising at least one particularly exclusive content restriction**. Support for at least one embodiment of a particularly exclusive content restriction can be found on page 21 of the specification as originally filed. Therefore, *Wine* does not anticipate independent claim 37, and the rejection should be withdrawn.

Because independent claim 37 is allowable over the cited references of record, dependent claim 38 (which depends from independent claim 37) is allowable as a matter of law for at least the reason that dependent claim 38 contains all the steps/features of independent claim 37. Therefore, since dependent claim 38 is patentable over *Wine*, the rejection to claim 38 should be withdrawn and the claim allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 37, dependent claim 38 recites further features and/or combinations of features, as are apparent by examination of the claim itself, that are patently distinct from the cited references of record. Hence there are other reasons why dependent claim 38 is allowable

#### IV. Rejections Under 35 U.S.C. §103(a)

##### A. Claims 11-16

The Office Action rejects claims 11-16 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Wine, et al* (U.S. Publication No. 2002/0004839) in view of *Sahota* (U.S. Publication No. 2002/0010928). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

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Because independent claim 10 is allowable over the cited references of record, dependent claims 11-16 (which depend from independent claim 10) are allowable as a matter of law for at least the reason that dependent claims 11-16 contain all the steps/features of independent claim 10. Therefore, the rejection to claims 11-16 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 10, dependent claims 11-16 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited references of record. Hence there are other reasons why dependent claims 11-16 are allowable.

Additionally, with regard to the rejection of claims 11-16, *Sahota* does not make up for the deficiencies of *Wine* noted above. Therefore, claims 11-16 are considered patentable over any combination of these documents.

V. Miscellaneous Issues

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

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**CONCLUSION**

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1 and 4-38 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,

  
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